

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/921,629
Applicant : Levenson, et al.
Filed : August 3, 2001
Title : SYSTEM AND METHOD FOR THE PAYMENT AND
: ACCOUNTING OF PETTY DISBURSEMENTS
:
Group Art Unit : 3621
Examiner : Bradley B. Bayat
:
Docket No. : 011151

BRIEF ON APPEAL

Real Party in Interest

The real party in interest is Pettycard, Inc., of 456 West 57th Street, New York, New York 10019.

Related Appeals and Interferences

There are no related appeals, interferences or judicial proceedings.

Status of Claims

Claims 1-9 and 11-30 are currently pending in the application. Claims 1-5, 7-9, 11-23 and 25-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2003/0120571 ("Blagg"). Claims 6, 24 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Blagg in view of U.S. Patent No. 6,581,035 (Madan, et al.). The claims on appeal are reproduced in the claims appendix.

Status of Amendments

A final office action was issued on March 22, 2006 Claims 1-9 and 11-30 were rejected in the action. No amendments were filed in response to the final office action.

Summary of the Claimed Subject Matter

The present invention is directed to a system and method for the payment of petty cash disbursements in which a tree structure of linked purchasing cards may be constructed, in a manner similar to a real life organizational structure. Parent cards in the tree are able to authorize the transfer of funds to child cards to cover payments for purchases made using those cards, in a manner similar to disbursements from a petty cash account. (See Published Application, Abstract). This invention utilizes existing credit card accounts which are able to be linked together in a parent/child fashion, with each child being linked to at least one parent. (See Published Application, paragraph 22). All funds for the payment of petty disbursements originate with a master account to which all cards are ultimately linked via one or more parent/child pairings, to form a tree like structure which closely resembles a typical organizational structure. Funds for the payment of all petty disbursements made by any child cards at any stage of the tree are deposited into a master banking account and are authorized down the tree from parent to child in a hierarchal fashion. Parent account holders are able to add or delete child account holders at any time on an *ad hoc* basis.

Grounds of Rejection to Be Reviewed on Appeal

1. Whether claims 1-5, 7-9, 11-23, and 25-27 are patentable under 35 U.S.C. § 102(e) over U.S. Published Patent Application No. 2003/0120571 (Blagg).
2. Whether Claim 6, 24 and 28 are patentable under 35 U.S.C. § 103(a) over U.S. Published Patent Application No. 2003/0120571 (Blagg) in view of U.S. Patent No. 6,581,035 (Madan, et al.).

Argument

I. Claims 1-5, 7-9, 11-23 and 25-27 are patentable over Blagg.

Claim 1

The Examiner has taken the position that all of the elements of Claim 1 are met by various cited paragraphs in Blagg. The Applicants respectfully disagree and submit that *none* of the elements of Claim 1 are disclosed by Blagg. The Applicants will address the rejection of Claim 1 on an element-by-element basis. Claim 1 claims a system for the payment of petty disbursements having the following elements:

- one or more master purchasing card accounts linked to a bank account

The Examiner states that this element is disclosed in Blagg at paragraphs [0055]-[0056], [0069] and [0072] (regarding linking accounts) and in Blagg at paragraph [0062] (indicating that the issuer is typically a financial institution or bank). These paragraphs however, and in particular [0055]-[0056], [0069] and [0072], teach the grouping of cards

together into groups by virtue of the creation of a “group” entity having the cards as members. The “group” entity is not a bank account, it is merely a data record that contains a listing of the members of the group (*See* Blagg, paragraph [0072]). Blagg does not disclose the linking of master purchasing card accounts to a specific bank account. In Blagg, there is no master bank account to which all of the master purchasing accounts are linked. Although each individual card in both Blagg and the present invention have their own accounts, there is no mention of the cards in Blagg being linked to a bank account different from the account present for each individual card. Instead, the cards in Blagg are formed together into a group of cards.

With respect to the issuer typically being a financial institution or bank as indicated in Blagg, paragraph [0062], the Applicants respectfully submit that it is not relevant because the issuer of each individual card being a financial institution or bank is not part of the Applicants' claim. It is common knowledge that issuers of credit cards are typically financial institutions or banks. However, no financial institution or bank currently allows the linking of an individual credit card account to a bank account. For these reasons, the Applicants respectfully submit that this element of Claim 1 and its dependent claims has not been met.

- one or more subordinate purchasing card accounts linked to one of said master purchasing card accounts or to other subordinate purchasing card accounts linked directly or indirectly to one of said master purchasing card accounts

The Examiner states that this is disclosed in Blagg at paragraphs [0071]-[0075] and [0090]-[0094]. However, the Applicants respectfully submit that these paragraphs do not disclose linking accounts to each other but instead disclose linking accounts into a group. The grouping of accounts in Blagg is accomplished by linking a financial record that corresponds to each account to group master data record for the group. Therefore, cards are not linked to individual other cards or to a bank account, but are instead linked together in a group by virtue of the tying of their financial record to a group master data record (*See* Blagg, paragraph [0072], lines 1-3 & Figure 4B). Thus, the topography of the Blagg invention is different than that of the present application.

The Blagg topography is shown graphically in Figure 4B of Blagg, in which the Dependent Financial Records 404, 406, 408, 410, 412, 414 and 416 are linked to a “Group Master Data” 400 (not an account). Blagg does teach a Key Financial Record 402, which is the account that is liable for the group (*See* Blagg, Paragraph [0079]). Note, however, that Key Financial Record 402 is not directly linked to any of the Dependent Financial Records, nor are any of the Dependent Financial Records linked to any other Dependent Financial Records, as is claimed in the present application. Therefore, there is no parent/child relationship between the accounts.

The present invention, on the other hand, requires the linking of a card account to other accounts, which may be master accounts (i.e., account which are linked directly to the master bank account) or which may be other accounts which are subordinate to a master account. This is not disclosed by Blagg, and for this reason, the Applicants respectfully submit that this element is also not taught by the cited reference.

- wherein the owner of said bank account may authorize a transfer of funds to any master purchasing card account to cover purchases made using that master purchasing card account or to any subordinate purchasing card account linked to that master purchasing card account

The Examiner states that this element is disclosed in Blagg at paragraphs [0075]-[0078], [0104] and [0126]. Paragraphs [0075]-[0078] discuss liability for purchases made by various cardholders in the group (i.e., one cardholder can be individually or jointly liable for purchases made on another card). Paragraphs [0075]-[0078] do not disclose the transferring of funds between cards or between a bank account and cards which are linked to that bank account. Further, paragraph [0104] discusses combining accounts, which the Applicants respectfully submits is not relevant because that feature is not part of the claim. In paragraph [0126], the cited reference discusses changing the primary owner of a group which also has no relevance here because the claim does not contain an element specifying changing the owner of the group. As a result, The Applicants respectfully submit that the transferring of funds between cards is not disclosed by the cited portions of Blagg.

- wherein the owner of any of said purchasing card accounts may authorize the movement of funds from its own account to any subordinate purchasing card account having a link thereto

The Examiner states that this is disclosed in Blagg at paragraphs [0134]-[0142], which discusses authorizing transactions, and in paragraphs [0143]-[0154] which

discusses the application of payments. Paragraphs [0134]-[0142] disclose authorizing a transaction (i.e., authorizing the payment of a merchant at the time a purchase is made by a cardholder.) However, this is not what is being claimed in this element. This element of the claim states that owners of purchasing card accounts can authorize the transfer of funds from its own account to subordinate accounts which are linked thereto. This has nothing to do with authorizing payment of the merchant at the time of the purchase by individual cardholders, but instead authorizes the transfer of funds to the purchasing account to cover purchases which have already been made.

Likewise, paragraphs [0143]-[0154] discuss the applying of a payment which is received from a cardholder, and, in particular, how a payment received from one cardholder in a group can be applied across the group in a variety of different ways. However, in the present application, and in particular, as specified by this element and the previous element, funds to cover purchases made by any card originate at the bank account and flow down from the bank account to master purchasing cards, and then to subordinate purchasing cards, etc. Nothing in this claim discusses how a payment received from a cardholder is applied to that individual cardholder's account or to any cardholder's account within the hierarchy. As a result, the Applicant respectfully submits that this element is also not disclosed by Blagg.

As a result of the discussion above, the Applicants respectfully submit that none of the elements of Claim 1 are disclosed by Blagg.

Claim 2

With respect to Claim 2, which is dependent upon Claim 1, Claim 2 contains all of the limitations of Claim 1 and therefore the remarks with respect to Claim 1 apply to Claim 2 as well.

Claim 3

With respect to Claim 3, which contains all of the elements of Claim 1, and, in addition, includes the element that the purchasing cards may create and break links to or from subordinate purchasing cards, the Examiner states that this element is disclosed in Blagg at paragraphs [0080] and [0085]. However, paragraph [0080] merely discusses that a record is maintained in a group member file even if an account is de-linked from the group. Paragraph [0080] does not specify how cards become linked or de-linked from the group and in particular does not state that the purchasing cardholders may create and break links to or from subordinate purchasing accounts. Likewise, paragraph [0085] discloses how a payment made to the group is to be applied across its various card members, and has no relevance with respect to the linking and de-linking of cards.

Claim 4

Claim 4 adds the limitations that the adjustment of the expenditure limit for any subordinate card can be accomplished in real time. The Examiner cites Paragraph [0136]. However, paragraph [0136] discusses a group credit line which is shared among cards

which are members of the group. The cited paragraph does not discuss the authorization of modifications to credit lines for individual card accounts.

Claim 5

Claim 5 contains a limitation that authorizations for modifications of the credit line are facilitated by a website available over the Internet, which the Examiner states is disclosed in Blagg at paragraphs [0059]-[0062]. However, these paragraphs only discuss a general computer program and not how that computer program is applied to the invention disclosed in the cited reference. In addition, no mention is made of either a website or the Internet in the cited paragraphs.

Claims 7 & 8

With respect to Claims 7 and 8, which state that the system of Claim 2 further comprises a software application running on a computer system and, in Claim 8, where the software application establishes communications with outside entities, the Examiner cites Blagg at paragraphs [0058] and [0059]. However, these paragraphs in Blagg only discuss how a method or process is generally embodied in a sequence of computer steps. Nothing in these paragraphs apply a software application to the processing of credit cards in the manner described in Claim 2, nor does it mention that the software application executing this method may establish communications with outside entities.

Claim 9

With respect to Claim 9, which adds the limitation that communication with outside entities are encrypted prior to sending and decrypted after receiving to ensure data integrity, the Examiner cites Blagg, Figure 7B, reference numbers 754-760 regarding authorization and approval. However, this portion of Figure 7B pertains to whether individual requests for transactions for purchase are to be authorized or not authorized. No reference to encrypting and decrypting for purposes of securing communications with outside entities is mentioned in Figure 7B or in the accompanying text.

Claim 11

With respect to Claim 11, which adds the limitation that the software application establishes communication with the bank which maintains the claimed bank account to which the master purchasing cards are linked, the Examiner states that this is disclosed in Blagg at paragraphs [0062]-[0063]. However, these paragraphs discuss only that banks or other financial institutions are typically the issuers of the various credit card products, which is well known in the art. These paragraphs do not disclose that the software application which is part of the claimed invention establish communications with the bank at which the bank account is being maintained.

Claim 12

Claim 12 adds the limitation that the software application be able to initiate a transaction to move funds between a bank account and the purchasing card accounts to

cover expenditures made using the purchasing card accounts, the Examiner states that this is disclosed in Blagg at paragraphs [0016], [0035], [0104] and [0126]. First, as previously stated, the cited reference does not disclose having purchasing cards linked to a master bank account from which funds can be transferred to cover purchases. In addition, paragraph [0016] discusses recordkeeping with respect to purchases made using cards which are members of the group as well as how spending limits for each individual card is maintained; paragraph [0035] discloses a group credit line and the transfer of *balances* between accounts, not the transfer of *funds* between accounts to cover purchases already made with each individual account; paragraphs [0104] and [0126] disclose things which are not claimed in any of the claims of this application, as discussed previously. Paragraph [0104] discloses combining accounts and paragraph [0126] discloses changing the primary owner of a group.

Claim 13

Claim 13 adds the limitation that the software application be able to establish communications with the credit card processor, which the Examiner states is disclosed in Blagg at paragraph [0058]. However, paragraph [0058] only discusses a computer program in general and not this element of this claim.

Claim 14

Claim 14 adds the limitation that the software application be able to instruct the credit card processor to modify an expenditure limit for any of the purchasing cards. The

Examiner states that this is disclosed in Blagg at paragraphs [0062], [0121], [0136], [0153] and [0181]. Paragraph [0062] discusses a typical prior art processing of a credit card transaction; paragraph [0121] discloses modifying the relationship between the dependent count and the group to which it belongs; paragraph [0136] discloses how transactions are authorized for purchases made by credit cards within the group; paragraph [0153] discusses the application of payments received from users to their own account or to other cards which are members of the group; and paragraph [0181] discloses redeeming reward points as a member of the group. None of these paragraphs disclose the software application instructing a credit card processor to modify an expenditure limit for any of the purchasing cards.

Claim 15

Claim 15 includes the limitation that the credit card processor and the software application exchange data, wherein the software application receives data advising of the purchases made by the purchasing cards. The Examiner states that this is disclosed in Blagg at paragraphs [0129]-[0131]. However, these paragraphs discuss how dependent accounts are added into the group and not how data is exchanged between the software application and a credit card processor. In fact, a credit card processor is not even mentioned in these paragraphs, nor is data regarding purchases made by dependent cards.

As a result of the above discussions, the Applicants respectfully submit that none of the limitations disclosed in Claims 1-15 are taught by the cited reference.

II. Claims 6, 24 and 28 are patentable under 35 U.S.C. § 103(a) over Blagg in view of Madan, et al.

The Examiner states that all elements of the claims are disclosed by Blagg except the use of voice recognition software to accomplish the transactions, which he states are disclosed in Madan in the Abstract, and in Figure 2 and the associated text.

With respect to Claims 6, 24 and 28, the Applicants acknowledge that, in general, the identification of users via voice recognition is well known in the prior art. However, there is no motivation to apply the teachings of Madan to the present invention. Madan involves the sending of messages through the translation of voices and has no application to financial transactions. Therefore, the Applicants respectfully submit that the combination of these two references is not proper. Furthermore, these claims must be read in the context of the present application to read that the voice recognition facility facilitates requests for modifications of a maximum transfer amount for any subordinate account. The combination of the two references does not suggest or disclose utilizing a voice recognition facility to facilitate modifying a maximum transfer amount between credit cards which are linked together. All of the comments above with respect to Blagg apply to these claims as well.

III. Conclusion

Blagg does not disclose any of the elements of primary independent Claim 1 of the present application, as discussed above. Therefore, the Applicants request a reversal of the Examiner's rejection of Claims 1-5, 7-9, 11-23 and 25-27 35 U.S.C. § 102(b) and of Claims 6, 24 and 28 under 35 U.S.C. § 103(a).

Respectfully submitted,



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Claims Appendix

1. A system for the payment of petty cash disbursements comprising:
 - one or more master purchasing card accounts linked to a bank account; and
 - one or more subordinate purchasing card accounts linked to one of said master purchasing card accounts or to other subordinate purchasing card accounts linked, directly or indirectly, to one of said master purchasing card accounts;
 - wherein the owner of said bank account may authorize the transfer of funds to any master purchasing card account to cover purchases made using that master purchasing card account or any subordinate purchasing card account linked to that master purchasing card account;
 - and
 - wherein the owner of any of said purchasing card accounts may authorize the movement of funds from its own account to any subordinate purchasing card account having a link thereto.
2. The system of claim 1 wherein each of said purchasing card accounts has a maximum amount that can be transferred to it from its parent account or from said bank account.
3. The system of claim 1 wherein any of said purchasing card accounts may create and break links to or from subordinate purchasing card accounts.
4. The system of claim 2 wherein requests for the modification of said maximum transfer amount for any subordinate card and the authorization of said modification can be

accomplished in real time.

5. The system of claim 4 wherein said requests and said authorizations are facilitated by a web site available over the Internet.
6. The system of claim 4 wherein said requests and said authorizations are facilitated by a voice recognition facility.
7. The system of claim 2 further comprising a software application running on a computer system.
8. The system of claim 7 wherein said software application may establish communications with outside entities.
9. The system of claim 8 wherein said communications with outside entities are:
encrypted prior to sending and decrypted after receiving to ensure data integrity and security; and
entered into a log file for audit and customer support purposes.
10. (Deleted)

11. The system of claim 9 wherein said software application establishes communication with a bank, said bank maintaining said bank account.
12. The system of claim 11 wherein said software application initiates a transaction at said bank to move funds between said bank account and said purchasing card accounts to cover expenditures made using said purchasing cards.
13. The system of claim 9 wherein said software application establishes communications with a credit card processor.
14. The system of claim 13 wherein said software application can instruct said credit card processor to modify said maximum transfer amount for any of said purchasing card accounts.
15. The system of claim 13 wherein said credit card processor exchanges data with said software application, said exchanged data advising said software application of purchases made using any of said purchasing cards.
16. A system for the payment of petty disbursements comprising:
 - a software application running on a computer system, said computer system being connected to the Internet;
 - one or more master purchasing card accounts linked to a bank account;

a plurality of subordinate purchasing card accounts, each having each being logically linked to one of said master purchasing card accounts or to other subordinate purchasing card accounts linked, directly or indirectly, to one of said master purchasing card accounts;

wherein said software application controls said linking of said purchasing card accounts and maintains a maximum amount that can be transferred from said bank account or a parent account to each of said purchasing card accounts.

17. The system of claim 16 further comprising:

a web site controlled by said software application;

wherein said software application receives secured instructions via said web site regarding the control of said links between said purchasing card accounts and said maximum transfer amounts for each of said purchasing card accounts.

18. The system of claim 17 wherein said software application further comprises means for communicating with a bank, said bank maintaining said bank account.

19. The system of claim 18 wherein all communications between said bank and said software application are secured by encryption.

20. The system of claim 18 wherein said communications between said bank and said software application includes data regarding the transfer of funds from said master purchasing card

accounts to each of said subordinate purchasing card accounts.

21. The system of claim 17 wherein said software application further comprises means for communicating with a credit card processor, said credit card processor being responsible for the authorization of purchases made with each of said purchasing cards.

22. The system of claim 21 wherein all communications between said credit card processor and said software application are secured by encryption.

23. The system of claim 21 wherein said communications between said credit card processor and said software application includes:

data regarding changes in said maximum transfer amount to each of said purchasing card accounts; and

information regarding authorized purchases for each of said purchasing cards.

24. The system of claim 16 further comprising:

a voice recognition facility controlled by said software application;

wherein said software application receives instructions via said voice recognition facility regarding the control of said links between said purchasing card accounts and said maximum transfer amounts to each of said purchasing card accounts.

25. A method for the payment of petty cash disbursements comprising the steps of:

establishing an account at a bank;

linking a one or more master purchasing card accounts to said bank account;

linking a plurality of subordinate purchasing accounts to one of said master purchasing card accounts or to other subordinate purchasing accounts linked, directly or indirectly, to one of said master purchasing card accounts.

26. The method of claim 25 wherein each of said purchasing card accounts has a maximum amount of funds that can be transferred to it from another, linked account, further comprising the steps of:

electronically transferring instructions to an external credit card processing entity regarding changes to said maximum transfer amount for said plurality of purchasing card accounts;

electronically receiving from said external credit card processing entity information regarding approved purchases for said plurality of purchasing cards; and

electronically transferring instructions to said bank regarding the transfer of funds from said bank account to said plurality of purchasing card accounts to cover purchases made therewith.

27. The method of claim 26 further comprising the step of maintaining a web site wherein secured instructions are received regarding:

changes in said maximum transfer amount for said purchasing card accounts; and

said linking of any of said purchasing card accounts to any other of said purchasing card accounts.

28. The method of claim 26 further comprising the step of maintaining a voice recognition facility wherein secured instructions are received regarding:

changes in said maximum transfer amount for said purchasing card accounts; and
said linking of any of said purchasing card accounts to any other of said purchasing card accounts.

29. The system of claim 16 wherein any of said purchasing card accounts may create and break links to or from subordinate purchasing card accounts.

30. The method of claim 25 wherein any of said purchasing card accounts may create and break links to or from subordinate purchasing card accounts.

Evidence Appendix

No additional evidence is being submitted.

Related Proceedings Appendix

There are no related proceedings.